



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Phantom Lake 2

Proposal Address: 16200 SE 24th Street

Proposal Description: Application for a Variance from the Land Use Code to increase the allowed height from 20 feet to 30 feet 5.24 inches on a lot nonconforming to the minimum lot area in the R-1.8 zone in order to construct a new home.

File Number: 13-104137-LS

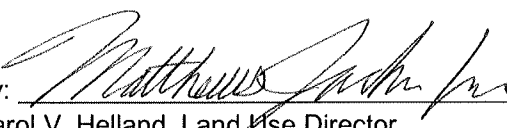
Applicant: Timothy Cowen, TEC Homes Inc.

Decisions Included: Variance from the Land Use Code
(Process II. 20.30G)

Planner: Reilly Pittman, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Categorically Exempt by WAC 197-11-800(1)

Director's Decision: Approval with Conditions
Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director

Application Date: January 10, 2013
Complete Application Date: January 29, 2013
Notice of Application Date: February 7, 2013
Decision Publication Date: March 21, 2013
Appeal Deadline: April 4, 2013 (14-days from date of publication)

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments

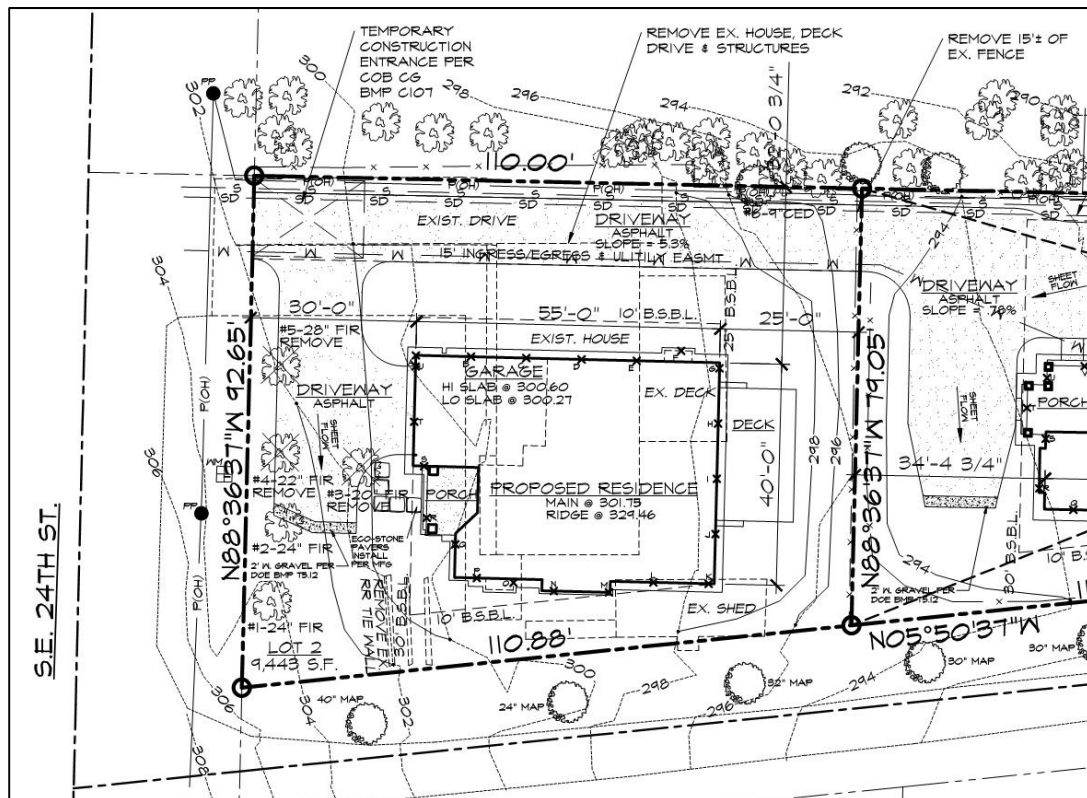
1. Vicinity Map – Enclosed
2. Site Plan – Enclosed
3. Elevations Plan – Enclosed
4. Public Comments and Correspondence – In File
5. Permit forms and documents – In File

I. Proposal Description and Reason for Requests

A. Proposal Description

The applicant requests a Variance from the Land Use Code to increase the allowed maximum building height from 20.57 feet to 30.44 on a lot nonconforming to the minimum lot area in order to construct a new home. See figure 1 for the proposed site plan below which is also attachment 2.

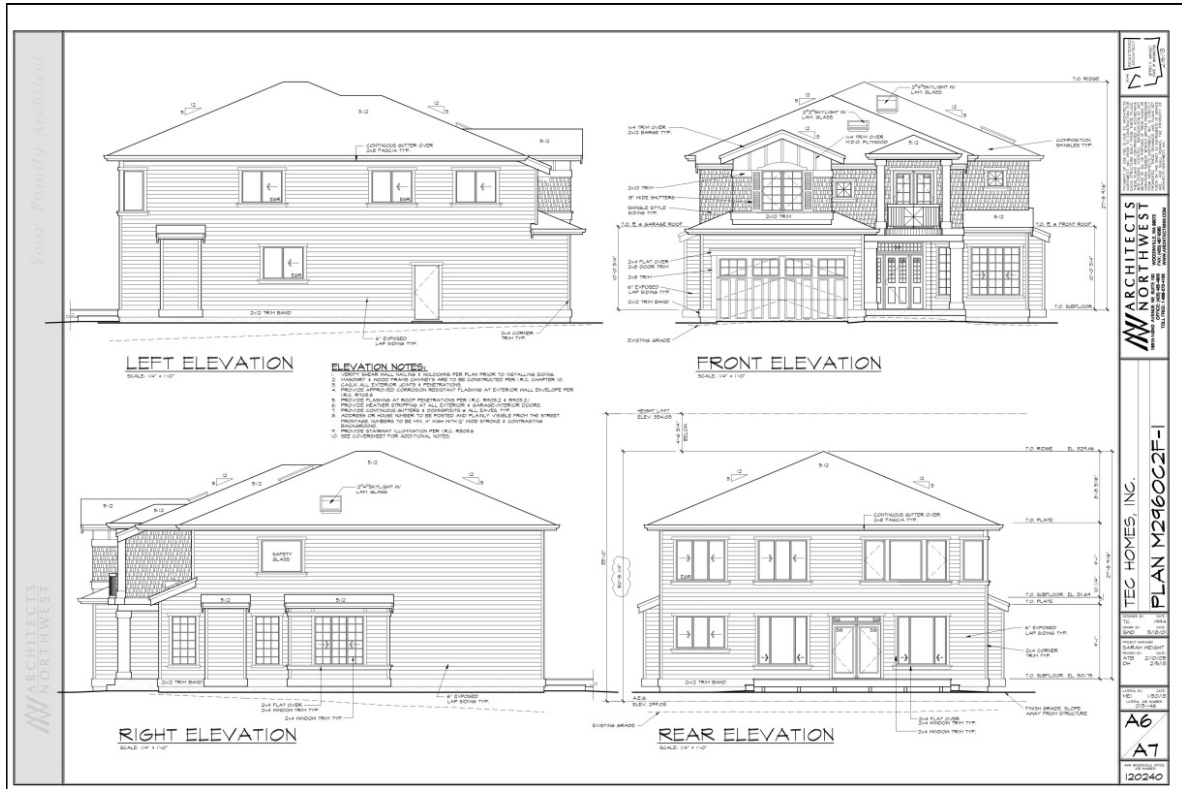
Figure 1



B. Reason for Request

The property has less than 70 percent of the required minimum lot area in the R-1.8 zone making the property nonconforming to lot area. Structures on this nonconforming property are limited in height per LUC 20.20.070 which establishes building height based on available buildable area. The resulting building height is approximately 20 feet, whereas a property conforming to the minimum R-1.8 lot area is allowed a building height of 35 feet for a pitched roof structure. LUC 20.20.070 was amended in 2011 by Ordinance 5991 to give nonconforming properties the potential to request relief from the height limitation through a variance application process. This variance requests additional height in order to construct a two-story house as shown on the elevations in figure 2 below, which is also included as attachment 3.

Figure 2



II. Site Description, Zoning, and Land Use

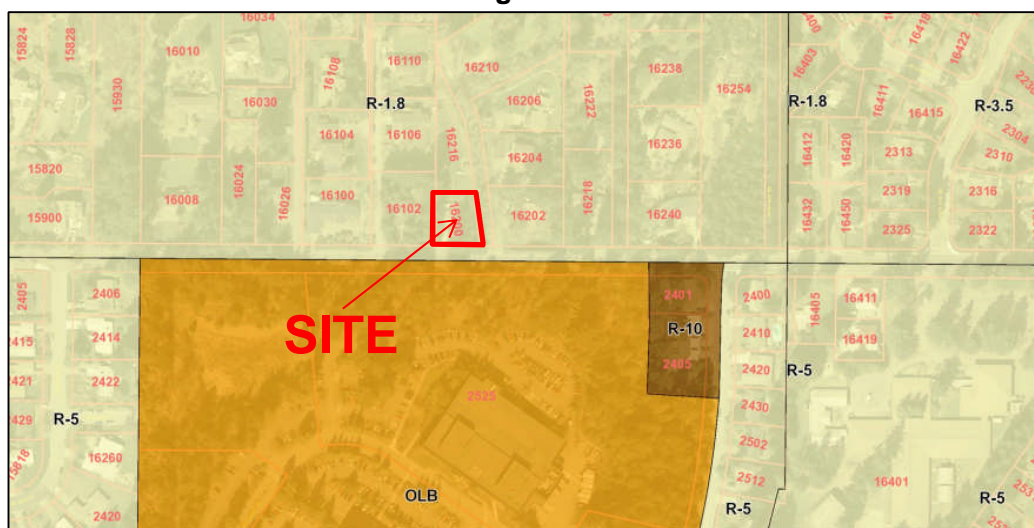
A. Site Description

The project site is located at 16200 SE 24th Street in the Eastgate Subarea. Phantom Lake is several hundred feet to the north and the site and adjacent property slope gradually toward the lake which is the low point in the neighborhood. The site is adjacent to single family zoned property to the west and north. The property obtains vehicle access from SE 24th Street which is to the south. Across the street the properties are zoned OLB, Office and Limited Business and are owned by the Boeing Company. To the east, the property is adjacent to an access easement that serves nearby properties. An access easement that provides vehicle access to the property to the north at 16216 SE 24th Street is located on the western portion of the project site. There was an existing single family residence on the project site which is shown in figure 3 below, but has been demolished since this application was submitted. See figure 3 for site description and figure 4 for zoning.

Figure 3



Figure 4



B. Zoning

The property is zoned R-1.8, single-family residential which allows single family homes and associated improvements.

C. Land Use Context

The property is located in the Eastgate Subarea of the City and has a Comprehensive plan Land Use Designation of SF-L (Single Family Low Density). Construction of a home and improvements is consistent with this land use.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The proposal is in conformance with the general dimensional requirements of the R-1.8 zone as outlined on the submitted site plan, with the exception of the existing lot area and proposed building height.

The minimum lot size required in the R-1.8 zone is 20,000 square feet. The project site has a lot area of 9,443 square feet which is less than half (50 percent) of the lot area required. Nonconforming properties with less than 70 percent of the minimum lot area are subject to LUC 20.20.070 which establishes the allowed building height based on the amount of buildable area, outside of setbacks. The allowed building height is calculated as follows from LUC 20.20.070:

$$\text{Building Height} = 2 \times C \times H$$

C = The ratio of potentially buildable area (lot area less the area of the lot's minimum setback requirements) to total lot area.

H = The general building height requirement otherwise applicable to the lot.

The property has 2,774.29 square feet of buildable area that is outside of required setbacks. The height otherwise allowed in the R-1.8 zone is 35 feet. As a result, the allowed height is $2 \times (2,774.29 / 9443) \times 35'$ which equals 20.57 feet and is the maximum height allowed without a variance. The requested variance proposes to increase the allowed height from 20.57 feet to 30.44 feet (30 feet 5.25 inches) which is the height of the proposed house.

IV. Public Notice and Comment

Application Date:	January 10, 2013
Public Notice (500 feet):	February 7, 2013
Minimum Comment Period:	February 21, 2013

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on February 7, 2012. It was mailed to property owners within 500

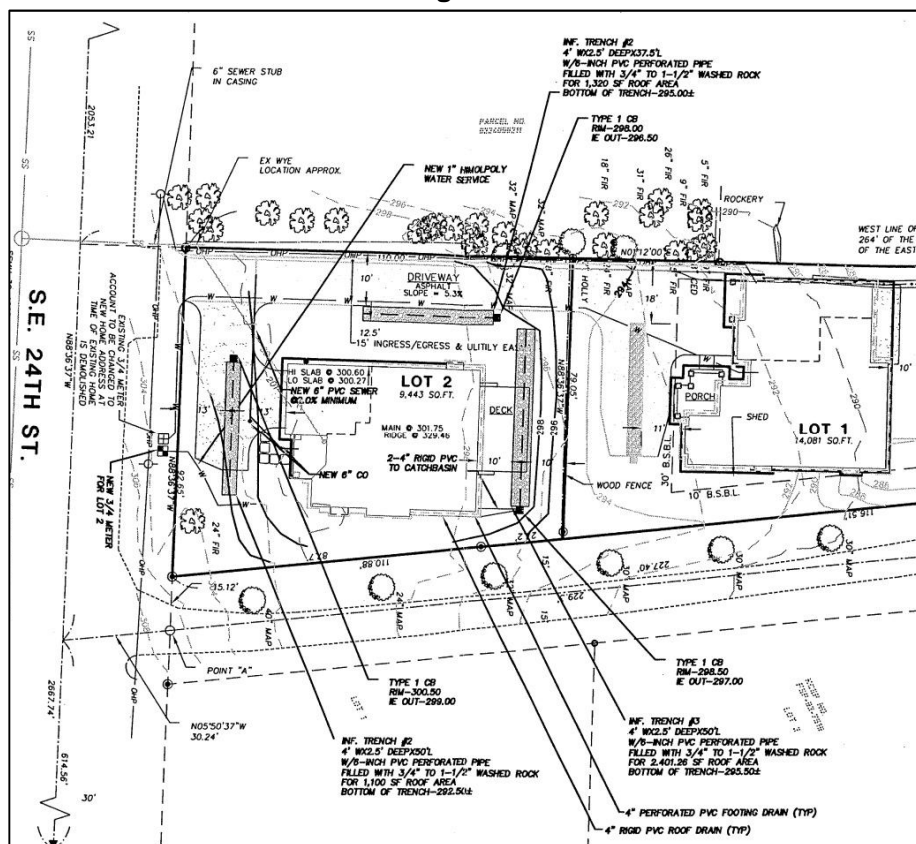
feet of the project site. Comments were received from surrounding neighbors which are attachment 4. The comments and concerns are summarized and grouped by topic for brevity below with responses following.

A. Drainage Concerns and Tree Removal

Comment Summary: How is drainage on the property being addressed; the new impervious surface and tree removal will increase runoff to Phantom Lake; the trees adjacent to the driveway east of the property should be protected.

Response: Drainage, tree preservation, and impervious surface coverage are specifically addressed by City Code requirements and are independent of this variance request; they are required regardless of this variance application. However for information purposes, the new house is required to meet the current storm water utility codes in Bellevue City Code section 24.06 which will be reviewed as part of building permit 13-109121-BS. The plans and storm drainage report submitted for the building permit propose three infiltration trenches on the property as seen in figure 5 below which is included in the plans for the building permit application.

Figure 5



Drainage is directed into the trenches to infiltrate water in the ground rather than directing

drainage downstream or letting it flow freely off the property as the existing site and surrounding development typically does. The trenches required on this property are similar to those associated with the new home reviewed and approved on the adjacent property at 16216 SE 24th Street under permit 12-131900-BS.

The property is subject to retaining 30 percent of the diameter inches of significant trees on the property. 44 percent of the diameter inches are proposed to be kept which meets the code requirement for tree retention. The trees along the driveway to the east of the property are on private property that is not a part of this application. No removal of these trees is proposed by the development. If the trees or other improvements are damaged on adjacent private property the owners of the private property can seek damages from the builder or property owner through civil litigation. The City has no authority to require the project to protect private property off-site of the permit application and cannot require a bond to protect private property. The project will be inspected throughout construction to ensure the plans are followed and the construction is contained on the project site and done per plan.

The property complies with the 50 percent maximum impervious surface coverage required for the R-1.8 zone. Storm water and flooding is an issue that impacts Phantom Lake, but flooding cannot be addressed by this variance request for additional height. New impervious surface will be created by a new house with or without granting this variance. The additional height proposed consolidates the house on a smaller impervious footprint than would result if the same home square footage was placed on one floor. Impervious surface coverage and drainage must meet the City's current code requirements.

B. House Size

Comment Summary: The house is too large for the lot; the house is over height and taller than zoning allows.

Response: The lot area is 9,443 square feet and is half that of the surrounding properties zoned R-1.8 which are 20,000 square feet or larger. Construction of homes similar in size and larger than the proposed home is routine on lots of this size in the City of Bellevue and are typically subject to a maximum height limit of 35 feet. Therefore, the proposed home is neither out of character with typical development nor too large for the underlying lot.

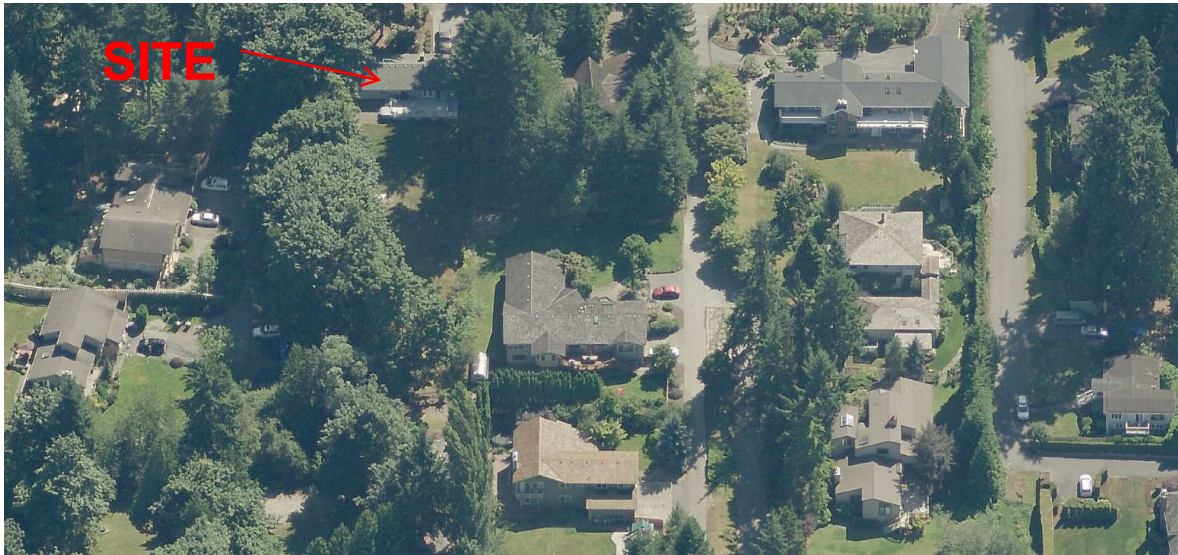
The requested variance does not propose to increase the height over the 35 foot height limit of the R-1.8 zone. The variance requested is proposed in order to allow the house to have a second floor and a total height of 30 feet 5.25 inches tall. The proposed house complies with all other zoning requirements and must comply in order for the building permit to be issued.

C. House and Neighborhood Character

Comment Summary: The house is out of character with the neighborhood; the proposed house is not architecturally similar to the surrounding houses.

Response: Having similar character is not a criterion for variance approval. However, a second floor is not out of character with homes in the vicinity. An examination of photos submitted by the applicant, through public comments, and photos found on the King County Assessor property information shows that the homes adjacent to the property and in the immediate vicinity have two or more floors and/or a daylight basement. A multi-level house is common in the neighborhood. The homes do have varying heights, roof pitches, and architectural design as is common for homes that were built many years ago and have been added onto or rebuilt over time. Figure 6 below clearly shows homes in the immediate vicinity have more than one floor and differing styles.

Figure 6



Architectural similarity is not a criterion for approving the requested variance. Homes within 500 feet of the project site exhibit many differences in size, shape, roof pitch, materials, etc. All of the surrounding homes and the project site are subject to the R-1.8 zoning requirements which are the only limits on house design common to all of the properties.

D. Variance Justification

Comment Summary: The small lot size is not a reason to grant this variance; the easement on the property is not a reason for granting the variance.

Response: The lot is smaller than the surrounding lots and is subject to an access easement which limits buildable area. These do limit the property and cannot be changed regardless of if they were issues created by the property owner. If lot size was the only criteria to grant a variance then the option for a variance from LUC 20.20.070 would never have been created as the code is only applicable to nonconforming lots and not the majority of properties. The City Council created the option for nonconforming lots to apply for a

variance in order for review to consider factors such as the neighborhood context in which the additional height is requested. The easement on the project site was necessary to allow access to the property to the north. As a result, the 15-foot easement that serves the property at 16216 SE 24th Street is a factor that limits building area and the allowed height. This is only one factor in considering compliance with variance decision criteria.

V. Summary of Technical Reviews

A. Transportation Review

The Transportation Department indicated there were no concerns with the proposed variance and imposed no conditions.

VI. State Environmental Policy Act (SEPA)

Construction of a new single-family residence and the associated improvements are exempt from SEPA in WAC 197-11-800 and no work is proposed within a critical area.

VII. Changes to Proposal Due to Staff Review

Staff requested additional information and revised plans from the applicant as a result of review and the public comments submitted.

VIII. Decision Criteria

A. LUC 20.30G.140. A Variance from the Land Use Code – Decision Criteria – General
The Director may approve, or approve with modifications an application for a variance from the provisions of the Land Use Code if:

- 1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property.**

Finding: As discussed previously in this report, the homes on properties in the vicinity of the site do have multiple floors and provide context for this request to build a two story house. The existing house on the property is one of the few in the vicinity that was one story. The proposed variance is not granting a privilege that is not enjoyed by properties in the vicinity.

- 2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property.**

Finding: The subject lot is the only lot in the vicinity which does not meet the minimum lot area requirement and has less than 70 percent of the required lot area for the R-1.8 zone. The amount of buildable area is confined by the required setbacks more so on this lot than on the adjacent larger lots. A second floor will

establish a home with comparable floor area to the homes in the neighborhood. Based on King County Assessor data the average finished floor area (excluding garages) of homes within 500 feet of the site is approximately 3,000 square feet or a bit larger. There are a few homes in the vicinity that have floor areas greater than 4,000 square feet. The house at 16240 SE 24th Street is greater than 5,000 square feet of floor area. The proposed floor area of the house on the subject site is 3,462 square feet.

Without approval of this variance for additional height, the possible home floor area would be halved. Thirty-five feet is the height limit common to all single family residential zoning districts which include zones with greater and smaller minimum lot areas than the R-1.8 zoning of the site. This variance is necessary for this nonconforming property to enjoy a similar house height and floor area that are available to other properties in the neighborhood and are found elsewhere in the City of Bellevue. Granting additional height to this home does not change or make the nonconforming lot area worse.

3. The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property.

Finding: The proposal is not detrimental to the property or improvements in the vicinity of the property. The house complies with all required setbacks from the R-1.8 zone. In addition the proposed home will be further away from the property lines than the existing house. As discussed above, the home is subject to newer drainage requirements and will use on-site infiltration of water rather than directing drainage off-site and directly downstream as is the case on adjacent properties developed under prior rules.

4. The variance is not inconsistent with the Comprehensive Plan.

Finding: The variance is not inconsistent with the Comprehensive Plan. The site is located in the Eastgate subarea and has a Single-Family Low Density land use designation. The proposed home is consistent with the low density use intended. The following policies are applicable to this proposal:

POLICY LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

POLICY LU-21. Develop land use strategies to encourage the maintenance and updating of the city's older housing stock, so that neighborhoods are well-maintained and existing housing is preserved, updated, or modified to meet the evolving needs of residents.

POLICY S-EG-7. Maintain single-family housing as the predominant residential land use in the Subarea in land area and appearance.

The proposal is an allowed use in the R-1.8 zone and complies with the zoning standards in the area which are the only limitations on design of single family homes. The variance will allow this property which was developed before the City's zoning codes existed to have a modern single-family home that continues the residential character of the neighborhood which is intended as the predominant use.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the Variance from the Land Use Code for the proposed house to have a height greater than allowed under LUC 20.20.070. **Approval of this Variance does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

X. Conditions of Approval

The following conditions are imposed under the Bellevue City Code authority referenced:

1. **Height:** The proposed height is limited to a maximum of 30 feet 5.25 inches measured from average existing grade. This will be verified by a spot elevation survey when the trusses are set and prior to the roof being completed.

Authority: Land Use Code 20.30G.115

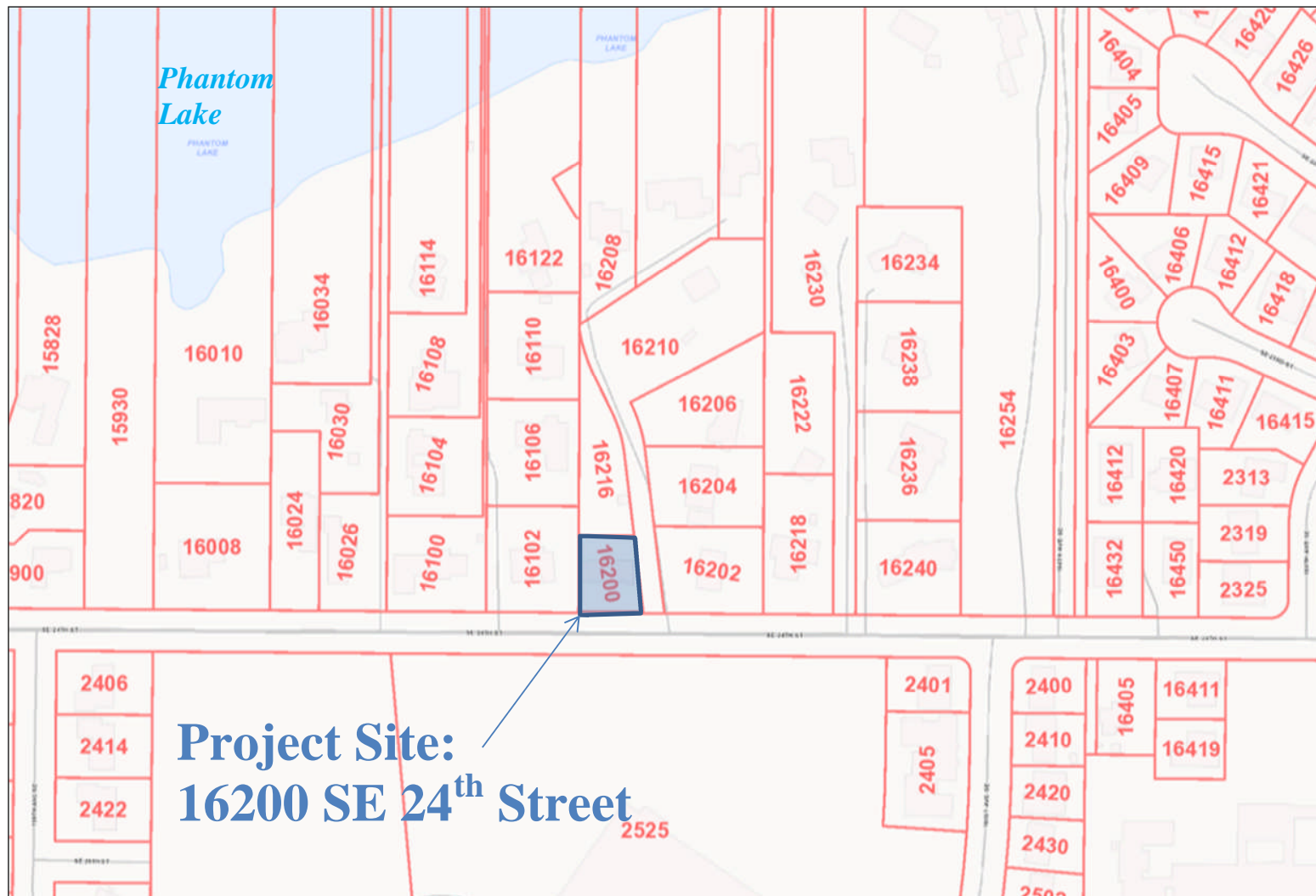
Reviewer: Reilly Pittman, Development Services Department

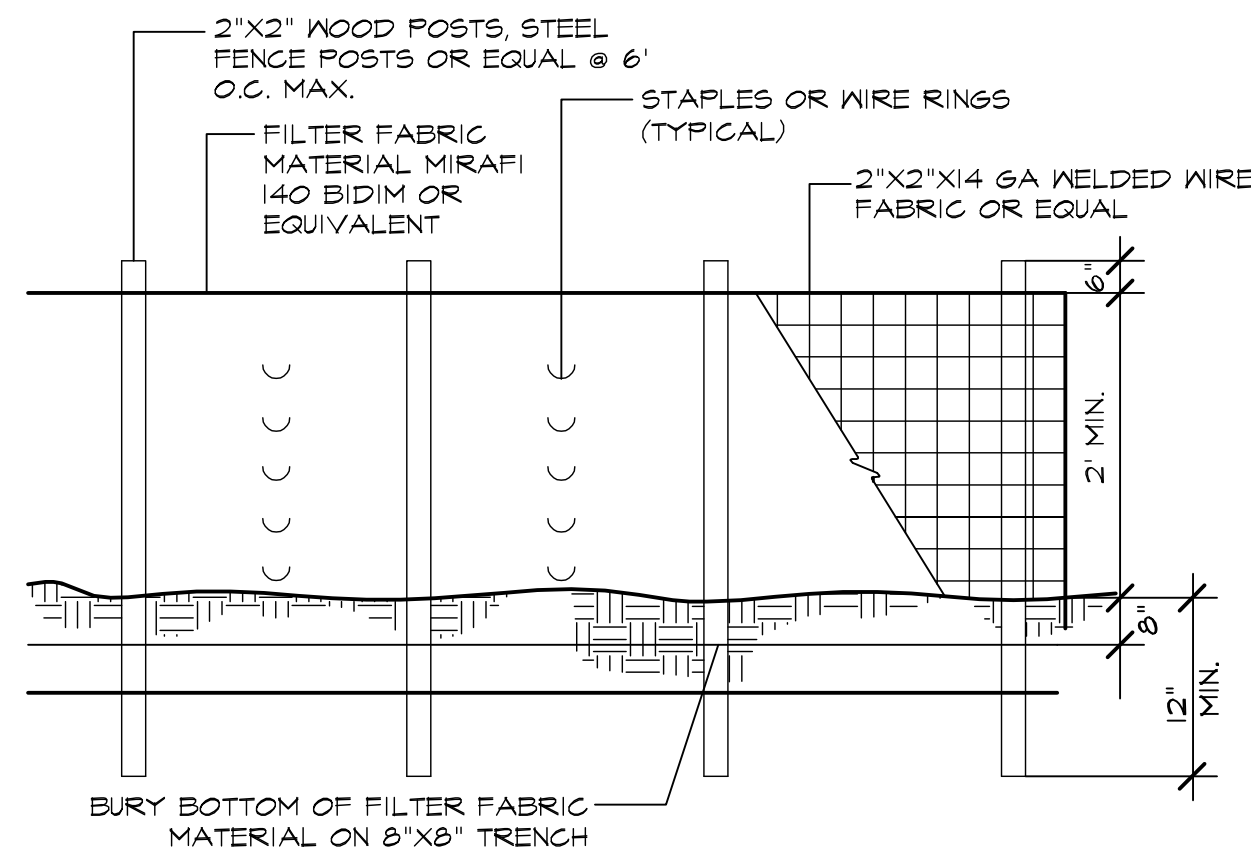
2. **Variance Recorded:** The approved variance shall be recorded with the King County Department of Records within 60 days from the date of variance approval. The document shall be submitted for Land Use review prior to recording and a copy of the recorded variance provided prior to building permit issuance.

Authority: Land Use Code 20.40.500

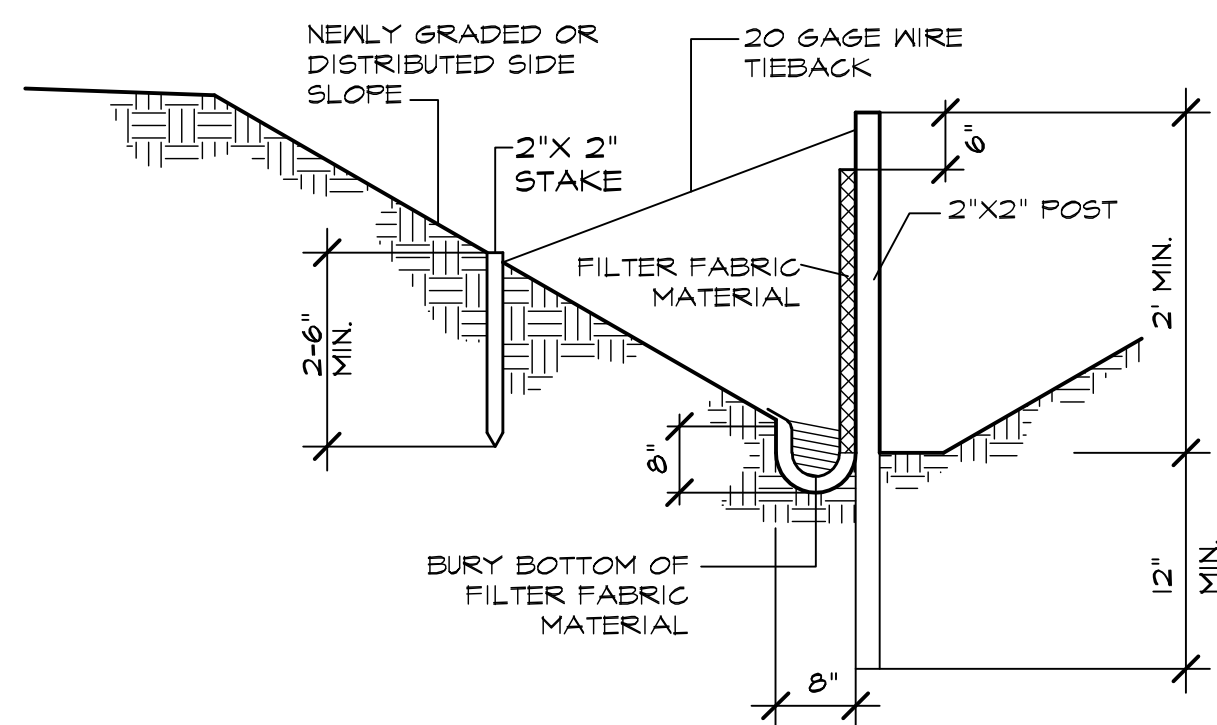
Reviewer: Reilly Pittman, Development Services Department

Phantom Lake 2
File Number: 13-104137-LS

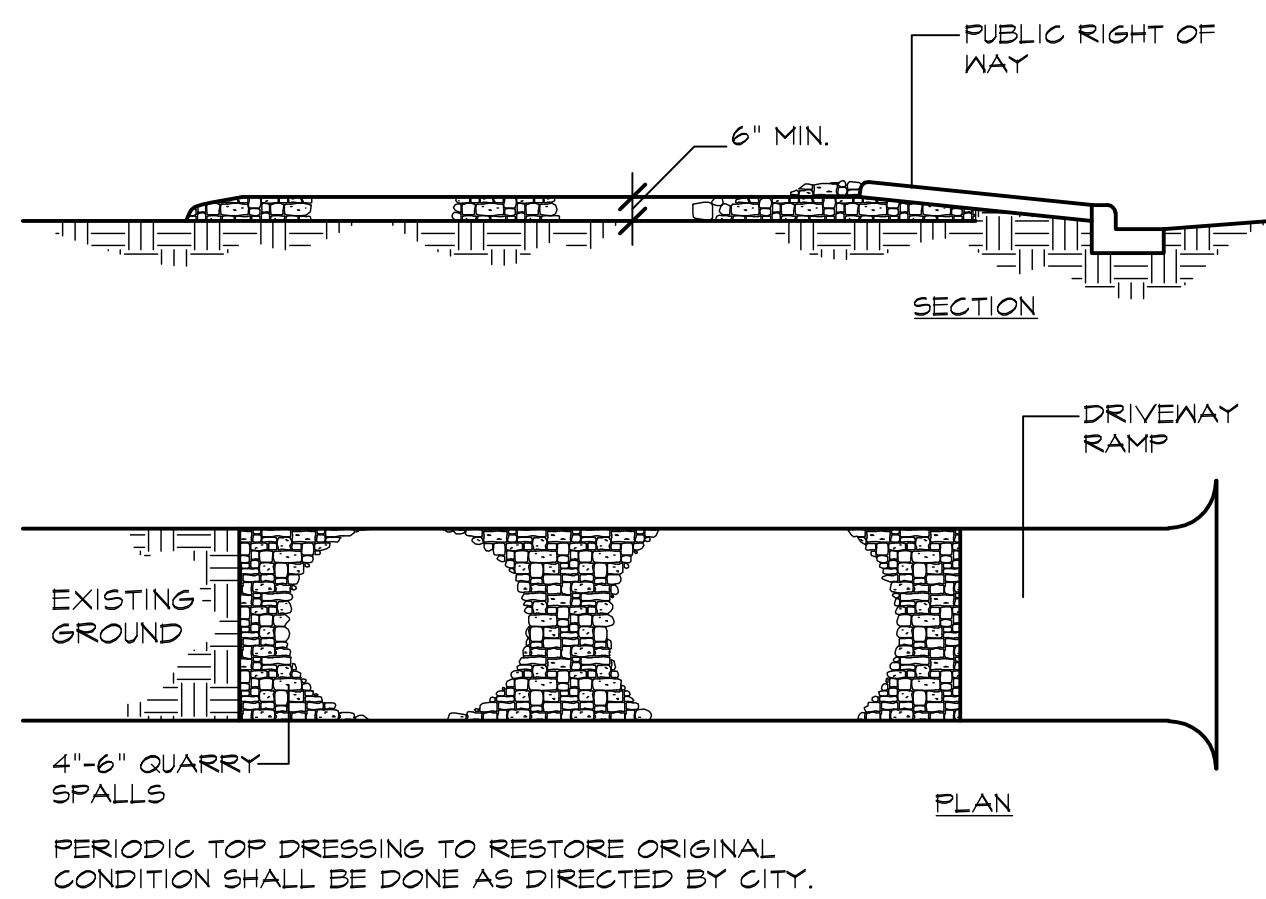




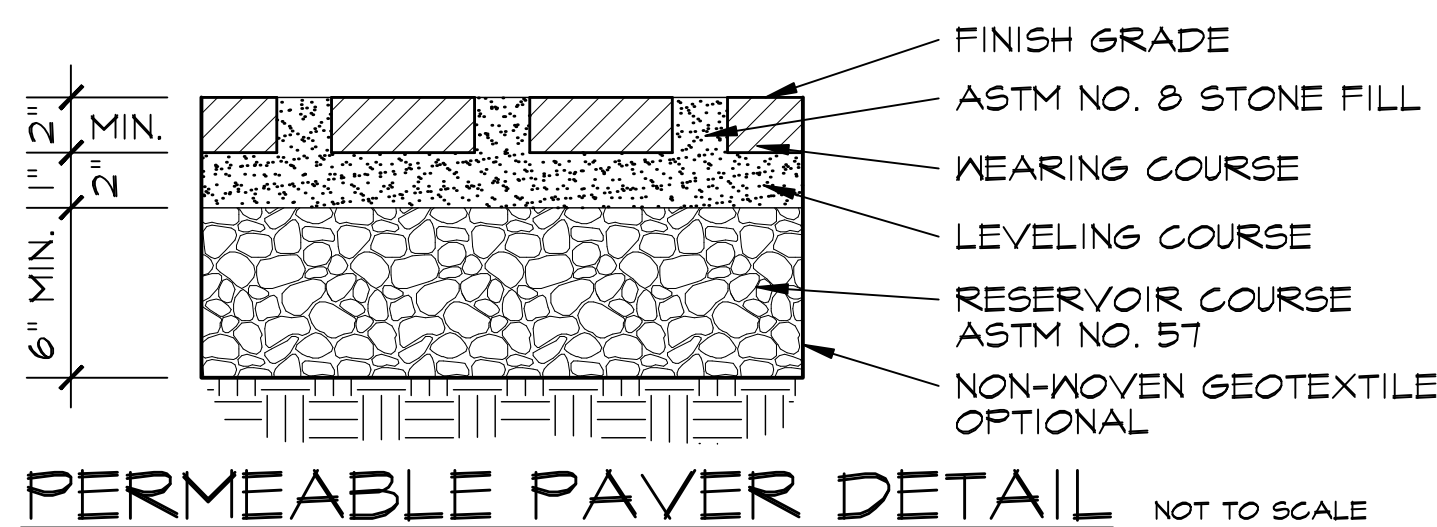
SILT FENCE ELEVATION



SILT FENCE CROSS SECTION



TEMP. CONSTRUCTION ENTRANCE



TREE CALCULATION			
TREE	SIZE	COMMENTS	CREDIT
1	24"	TO REMAIN	24
2	24"	TO REMAIN	24
3	20"	REMOVE	0
4	22"	REMOVE	0
5	28"	REMOVE	0
6	9"	TO REMAIN	9

TOTAL = 127" CREDITS = 57" 57" / 127" = 44.9%
NOTE: MINIMUM OF 40% OF TOTAL TREES TO REMAIN

NOTES:

PROVIDE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MIN. OF 4" HIGH WITH A MINIMUM STROKE WIDTH OF 1/8". WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING ADDRESS CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. PER IRC R319.

IN ACCORDANCE WITH COB ENGINEERING STANDARDS D6-03.1 SECTION D, AMENDED SOILS SHALL BE USED IN ALL DISTURBED AREAS THAT WILL BE LANDSCAPED.

ALL IMPLEMENTED CSWPPP BMPs SHALL BE IN ACCORDANCE WITH COB CLEARING & GRADING DEVELOPMENT STANDARDS, MARCH 12, 2010 APPENDIX A2.

OWNER
TEC HOMES, INC.
40 LAKE BELLEVUE DRIVE
SUITE 245
BELLEVUE, WA 98005
(425) 373-9494

SITE ADDRESS
16200 SE 24th STREET
LOT 2
BELLEVUE, WA

LEGAL DESCRIPTION

LOT 2 OF CITY OF BELLEVUE BOUNDARY LINE
ADJUSTMENT NO. 09-127209 AS RECORDED
PER RECORDING NO. 2010031900009

LOT COVERAGE

LOT AREA: 9,443 S.F.
HOUSE/GARAGE AREA: 2,026 S.F.
COVD PORCH AREA: 99 S.F.
COVD PATIO AREA: 55 S.F.
TOTAL AREA: 2,180 S.F.
= 23.09%
MAX. ALLOWED = 35.00%

IMPERVIOUS AREA

LOT AREA: 9,443 S.F.
ROOF OVERHANG AREA: 2,401.26 S.F.
PATIO/PORCH AREA: 47.53 S.F.
(EXCLUDES AREA UNDER ROOF OVERHANGS)
DRIVEWAY AREA: 2,190.31 S.F.
(EXCLUDES AREA UNDER ROOF OVERHANGS)
TOTAL AREA: 4,639.10 S.F.
= 49.13%
MAX. ALLOWED = 50.00%

GREENSCAPE AREA

DRIVE/GRAVEL AREA: 1,260.43 S.F.
WALK AREA: 0 S.F.
TOTAL AREA: 1,260.43 S.F.
FRONT SETBACK AREA: 2,722.25 S.F.
1,260.43/2,722.25 = 46.30% HARDSCAPE
53.70% GREENSCAPE AREA

F.A.R.

MAIN FLOOR AREA: 1,927.31 S.F.
(INCLUDES OPEN AREAS)
(INCLUDES GARAGE)
UPPER FLOOR AREA: 1,930.00 S.F.
(INCLUDES OPEN AREAS)
TOTAL FLOOR AREA: 3,857.31 S.F.
LOT AREA: 9,443 S.F.
F.A.R. = 40.85%

PROPOSED HEIGHT CALCULATION

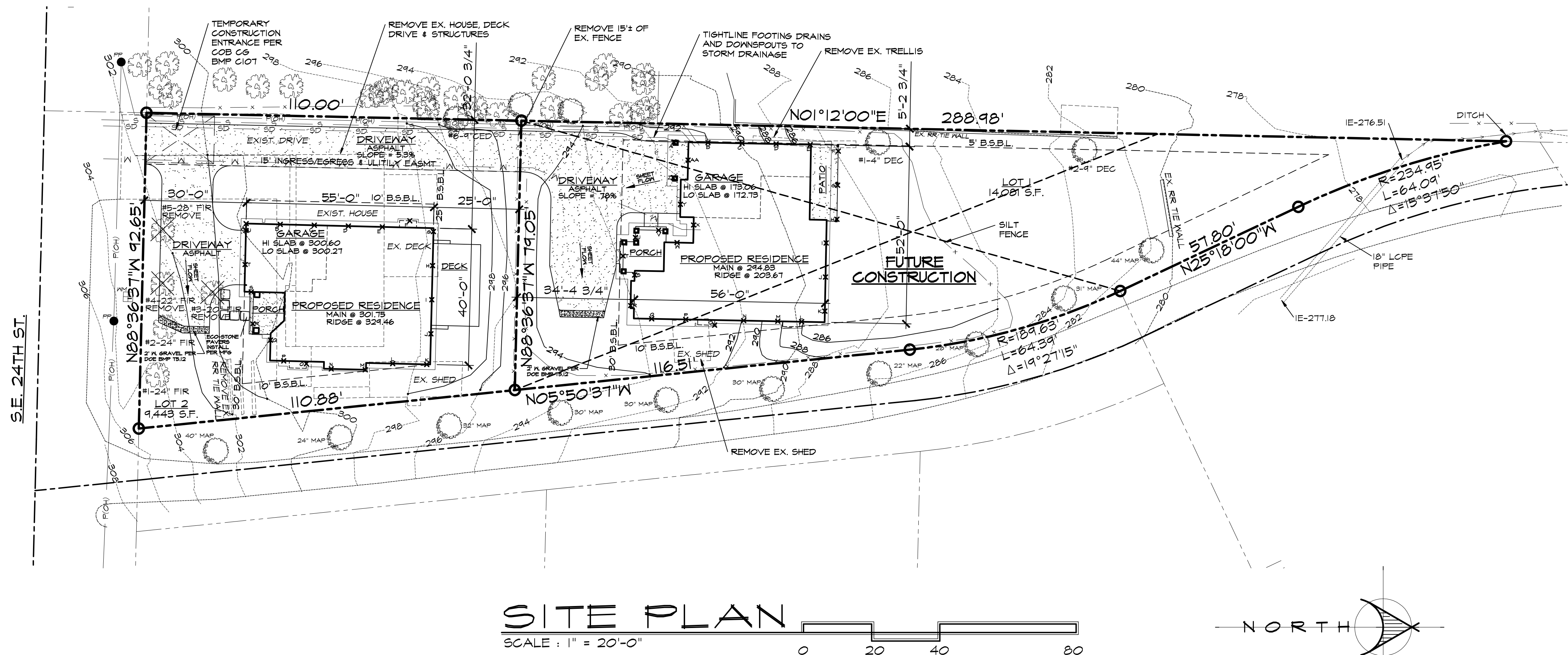
POINT	EXISTING GRADE
A	299.83
B	299.58
C	299.17
D	298.87
E	298.46
F	298.21
G	297.92
H	297.71
I	297.71
J	297.75
K	297.75
L	298.25
M	298.50
N	299.17
O	299.38
P	299.67
Q	299.92
R	300.58
S	300.83
T	300.50
U	299.92
TOTALS:	6279.68

AVERAGE ELEV. = TOTALS / NUMBER OF ELEV. POINTS

6279.68 / 21 = 299.03 AVG. EXIST. GRADE
+ 35.00
MAX RIDGE ELEVATION = 334.03
PROPOSED RIDGE ELEVATION = 329.46 30.43 ABV A.E.G.
4.57 FT. BELOW HT. LIMIT

ALLOWABLE HEIGHT CALC.

LOT AREA: 9,443 S.F.
BLDG ENVELOPE: 2,775.17
2,775.17 / 9,443 = .2939
.2939 x 35' x 2 = 20.572' MAX. HEIGHT



SITE PLAN

SCALE: 1" = 20'-0"

REGISTERED
ARCHITECT
5046
ETREY P. ARMIT
STATE OF WASHINGTON
2/5/13

PAYMENT OF USE FEE IS DUE TO ARCHITECTS NORTHWEST, INC. PRIOR TO CONSTRUCTION FOR THESE PLANS. THESE PLANS ARE COPYRIGHTED IN ACCORDANCE WITH THE ARCHITECTS NORTHWEST, INC. METHOD OF ALL OR PORTIONS OF THESE PLANS OR ANY PART THEREOF SHALL BE PROHIBITED. THESE DRAWINGS AND PLANS SET FORTH THE DESIGN AND SHALL REMAIN THE PROPERTY OF ARCHITECTS NORTHWEST, INC.

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FAX: (425) 487-8885
TOLL FREE: 1-888-272-1100
WWW.ARCHITECTSNW.COM

TEC HOMES, INC.

PLAN M2960C2F-1

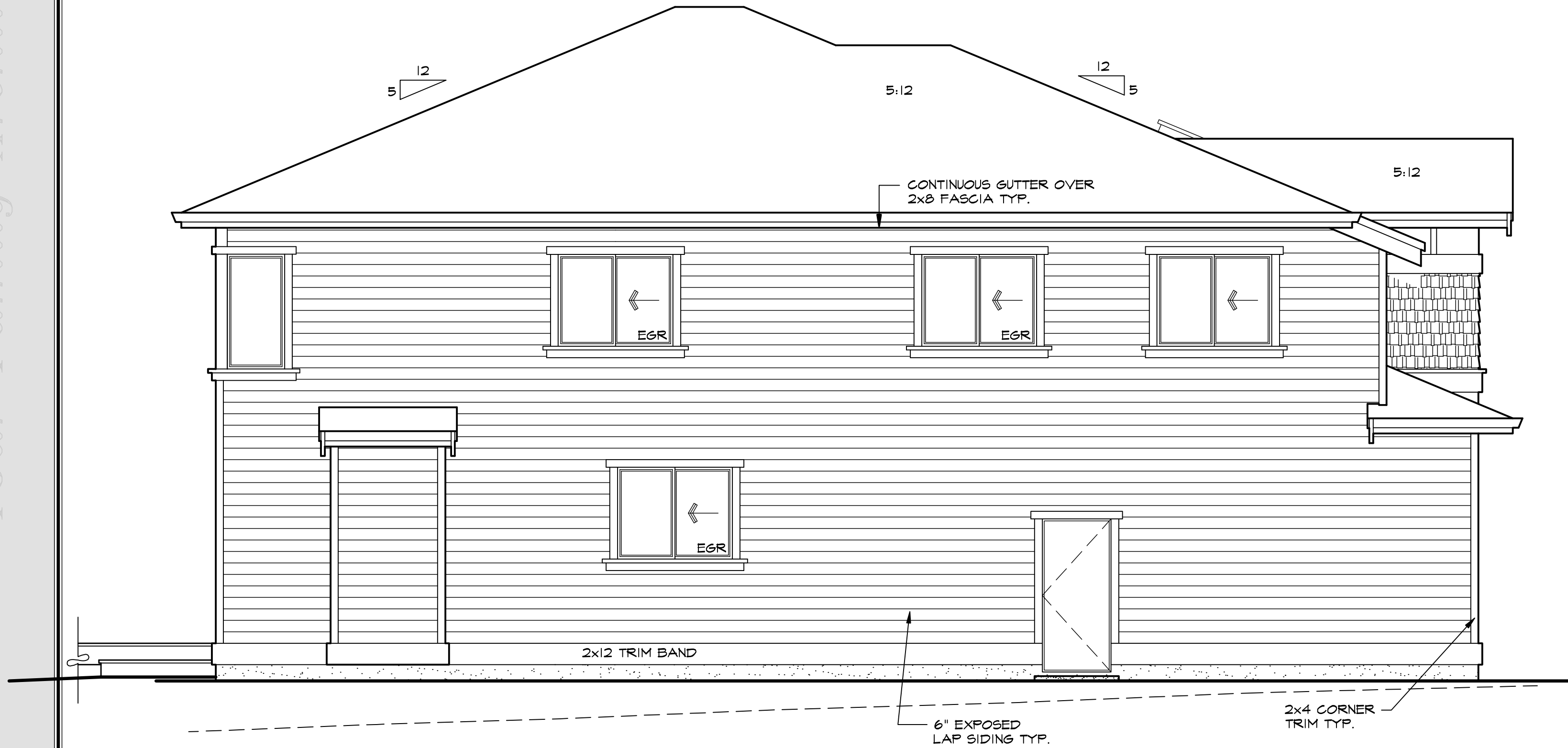
DESIGNED BY: TC DATE: 1/9/14
DRAWN BY: SMD DATE: 5/15/10

PROJECT MANAGER: SARAH WEIGHT
REVISED BY: ATB DATE: 2/10/05
DH 2/5/13

LATERAL BY: MEI DATE: 1/30/13
LATERAL JOB NUMBER: 013-146

AO
A7

ANW WOODVILLE OFFICE
JOB NUMBER:
120240

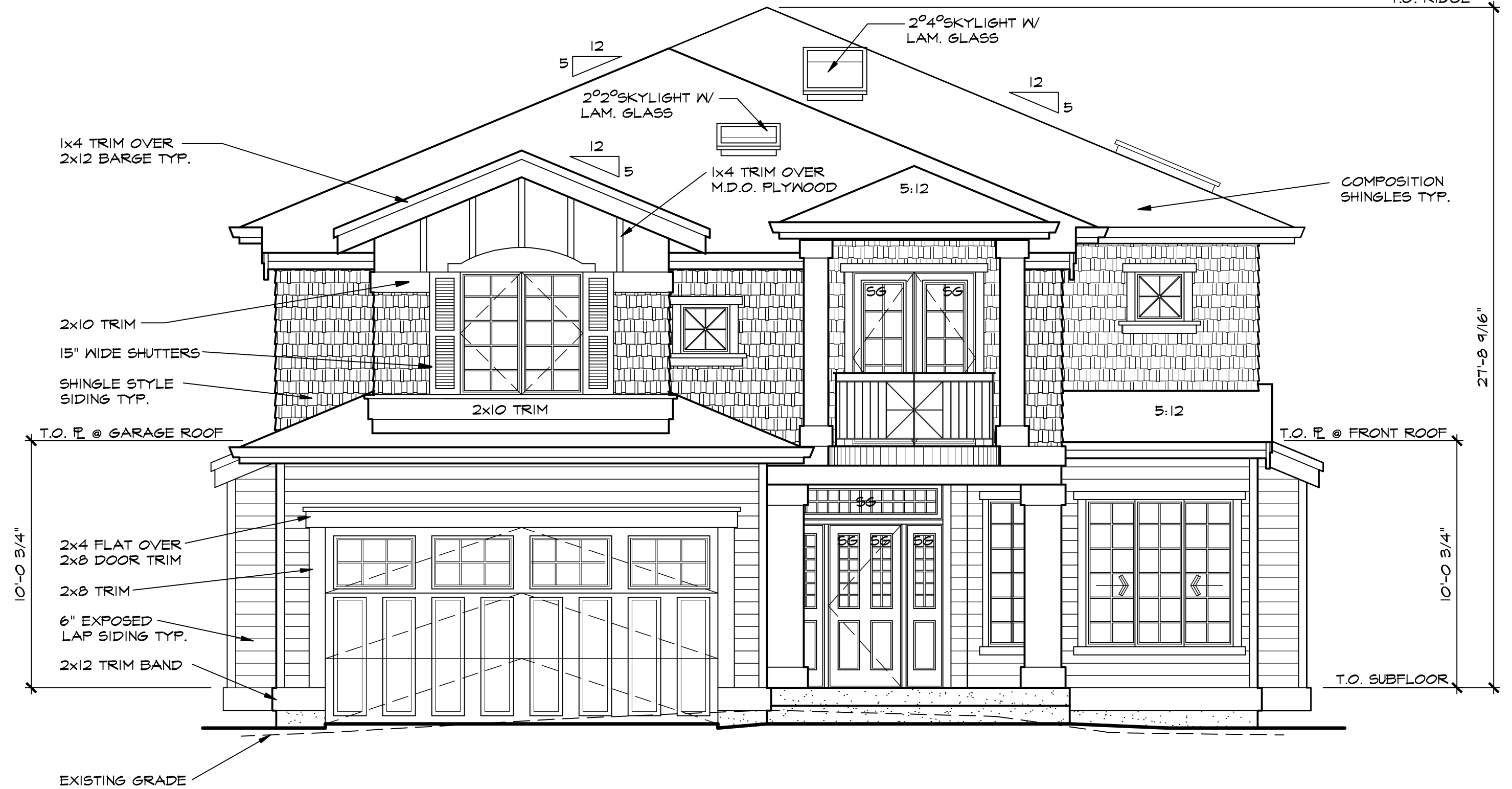


LEFT ELEVATION

SCALE: 1/4" = 1'-0"

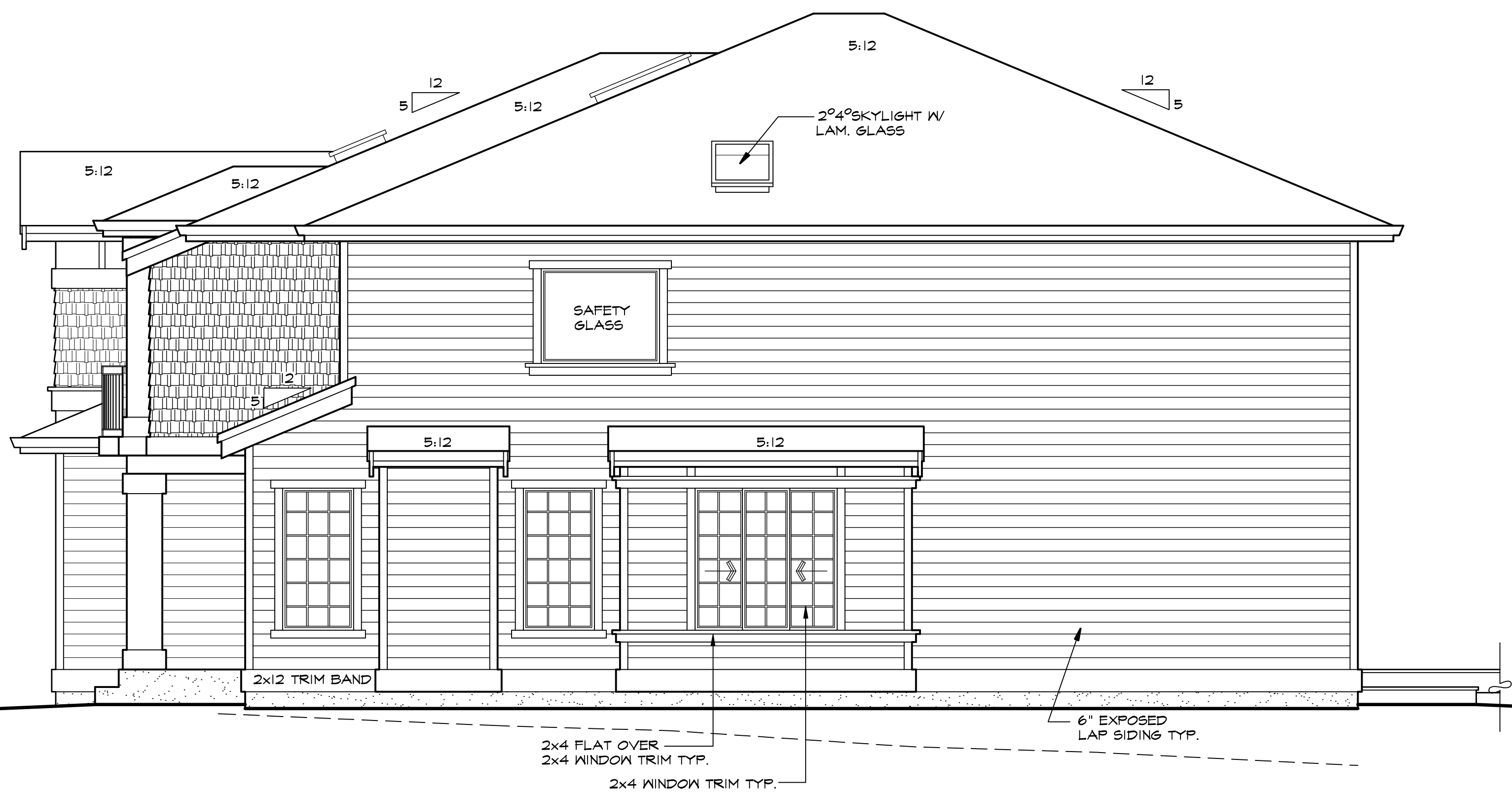
ELEVATION NOTES:

1. VERIFY SHEAR WALL NAILING & HOLDDOWNS PER PLAN PRIOR TO INSTALLING SIDING.
2. MASONRY & WOOD FRAME CHIMNEYS ARE TO BE CONSTRUCTED PER I.R.C. CHAPTER 10.
3. CAULK ALL EXTERIOR JOINTS & PENETRATIONS.
4. PROVIDE APPROVED CORROSION RESISTANT FLASHING AT EXTERIOR WALL ENVELOPE PER I.R.C. R103.8
5. PROVIDE FLASHING AT ROOF PENETRATIONS PER I.R.C. R903.2 & R903.2.1
6. PROVIDE WEATHER STRIPPING AT ALL EXTERIOR & GARAGE-INTERIOR DOORS.
7. PROVIDE CONTINUOUS GUTTERS & DOWNSPOUTS @ ALL EAVES, TYP.
8. ADDRESS OR HOUSE NUMBER TO BE POSTED AND PLAINLY VISIBLE FROM THE STREET
9. FRONTAGE NUMBERS TO BE MIN. 4" HIGH WITH 1/2" WIDE STROKE & CONTRASTING BACKGROUND.
10. PROVIDE STAIRWAY ILLUMINATION PER I.R.C. R303.6
10. SEE COVERSHEET FOR ADDITIONAL NOTES.



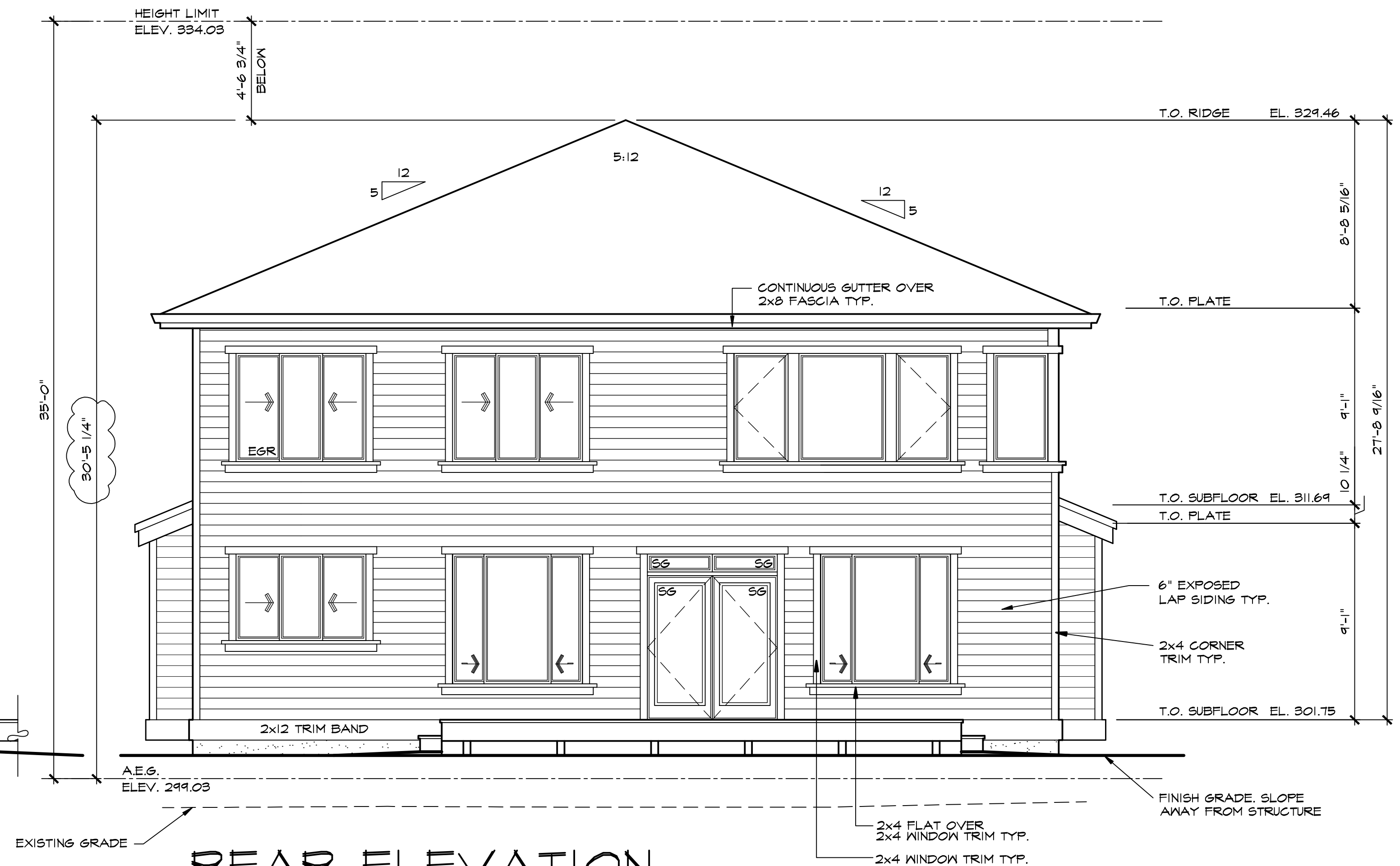
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"